

HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT A. BENSHOOF, A.R.W. by and
through his father, KURT A. BENSHOOF,
BRETT FOUNTAIN, URVE MAGGITT,
Plaintiffs,

v.

ANDREA CHIN, ANTHONY BELGARD,
DONOVAN BROUSSARD, NATHAN
CLIBER, CATHERINE CORNWALL,
GREGG CURTIS, JANE DOE, JENNY
DURKAN, JOHN DUUS, NICHOLAS
EVANS, PASCAL HERZER, RYAN ELLIS,
MICHAEL FOX, TYLER GOSLIN, JULIE
KLINE, ERNEST JENSEN, JONATHAN
KIEHN, SPENCER KURZ, MAGALIE
LERMAN, RICHARD LIMA, ADAM
LOSLEBEN, YVES LUC, SARAH
MACDONALD, JACOB MASTERSON,
GRANT MAYER, STEVEN MITCHELL,
JOHNATHAN MUSSEAU, BREHON NESS,
LILIYA NESTERUK, STEPHEN
OKRUHLICA, KATRINA OUTLAND,
JESSICA OWEN, SARAH PENDLETON,
DWAYNE PIRAK, BRIAN REES, BLAIR
RUSS, JULIE SALLE, DANIEL
SCHILLING, TY SELFRIDGE, NATHAN
SHOPAY, STEVEN STONE, MICHAEL
TRACY, MELANIE TRATNIK, SARAH
TURNER, TREVOR TYLER, MICHAEL
VIRGILIO, ANDREW WEST, CHAD
ZENTNER, in their individual capacities,
CITY OF SEATTLE, KING COUNTY,
Defendants.

NO. 2:24-cv-00808-JHC

DECLARATION OF MICHAEL TRACY
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION
TO DISQUALIFY

NOTE ON MOTION CALENDAR:

APRIL 7, 2025

1 I, Michael Tracy, declare under penalty of perjury pursuant to the laws of the United
2 States and the State of Washington, as follows:

3 1. I am over the age of 18 and am competent to testify to the facts stated in this
4 declaration. I have personal knowledge of the facts set forth in this declaration, and could testify
5 competently to them if called upon to do so.

6 2. I virtually attended the sentencing hearing for Plaintiff Kurt Benshoof in Seattle
7 Municipal Court Case Nos. 671384, 676175, 676207, 676216, 676463, and 676492 on
8 Februar 24, 2025. During the hearing, Seattle Municipal Court Judge Andrea Chin announced
9 from the bench that she had been served during the hearing.

10 3. Sarah Turner and I began representing Mr. Cliber as appellate counsel for
11 Mr. Benshoof's first state court appeal of KCSC 22-2-15958-8 in 2023, and our representation
12 has led to the dismissal of every claim filed against Mr. Cliber, as well as the rejection of every
13 appeal filed by Mr. Benshoof, with the except of Ninth Circuit Case No. 24-5188, which is still
14 pending after Mr. Benshoof seeking multiple extensions to file his open brief, which is due
15 April 1, 2025.

16 4. I made Mr. Cliber and Mr. Russ aware of the potential conflicts inherit in their
17 joint representation by Ms. Turner and myself, including that we have been named as defendants
18 in Plaintiffs' latest frivolous lawsuit, and they understood and consented to the same.

19 5. I believe that Mr. Cliber, Mr. Russ, Ms. Turner and my interests in defending
20 against and dismissing Mr. Benshoof's meritless claims are aligned. Ms. Turner and I have
21 retained our own counsel for our defense in this matter, and though we have not yet been served,
22 we plan to file our own Motion to Dismiss.

23 I declare under penalty of perjury under the laws of the United States of America and the
24 State of Washington that the foregoing is true and correct.

1 Signed on this 1st day of April, 2025, at Seattle, King County, Washington.
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4 s/ Michael Tracy

Michael Tracy, WSBA #51226
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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the United States and the State of Washington that on April 1, 2025, the foregoing document was served upon the following parties in the manner indicated below:

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Attorneys for Defendant City of Seattle

Dated: April 1, 2025

s/ Marry Marze
Marry Marze, Legal Assistant